

Senate File 533 - Introduced

SENATE FILE 533

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1210)

A BILL FOR

1 An Act relating to state and local finances by providing for
2 funding of property tax credits and reimbursements, by
3 making and adjusting appropriations, providing for salaries
4 and compensation of state employees, providing for matters
5 relating to tax credits, providing for fees and penalties,
6 providing for legal responsibilities, and providing for
7 properly related matters, and including effective date and
8 retroactive and other applicability provisions.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 2012-2013

Section 1. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 2012-2013. Notwithstanding section 331.439, subsection 3, the allowed growth factor adjustment for county mental health, mental retardation, and developmental disabilities service expenditures for the fiscal year beginning July 1, 2012, shall be established by statute which shall be enacted within thirty calendar days of the convening of the Eighty-fourth General Assembly, 2012 Session, on January 9, 2012. The governor shall submit to the general assembly a recommendation for such allowed growth factor adjustment and the amounts of related appropriations to the general assembly on or before January 9, 2012.

DIVISION II

STANDING APPROPRIATIONS AND RELATED MATTERS

Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2012-2013.

1. For the budget process applicable to the fiscal year beginning July 1, 2012, on or before October 1, 2011, in lieu of the information specified in section 8.23, subsection 1, unnumbered paragraph 1, and paragraph "a", all departments and establishments of the government shall transmit to the director of the department of management, on blanks to be furnished by the director, estimates of their expenditure requirements, including every proposed expenditure, for the ensuing fiscal year, together with supporting data and explanations as called for by the director of the department of management after consultation with the legislative services agency.

2. The estimates of expenditure requirements shall be in a form specified by the director of the department of management, and the expenditure requirements shall include all proposed expenditures and shall be prioritized by program or the results to be achieved. The estimates shall be accompanied by performance measures for evaluating the effectiveness of the programs or results.

1 Sec. 3. LIMITATION OF STANDING APPROPRIATIONS.

2 Notwithstanding the standing appropriations in the following
3 designated sections for the fiscal year beginning July 1, 2011,
4 and ending June 30, 2012, the amounts appropriated from the
5 general fund of the state pursuant to these sections for the
6 following designated purposes shall not exceed the following
7 amounts:

8 1. For performance of duty by the executive council in
9 sections 7D.29, 8A.321, and 29C.20:

10 \$ 30,712,105

11 2. For operational support grants and community cultural
12 grants under section 99F.11, subsection 3, paragraph "d",
13 subparagraph (1):

14 \$ 416,702

15 3. For regional tourism marketing under section 99F.11,
16 subsection 3, paragraph "d", subparagraph (2):

17 \$ 810,306

18 4. For the center for congenital and inherited disorders
19 central registry under section 144.13A, subsection 4, paragraph
20 "a":

21 \$ 171,121

22 5. For primary and secondary child abuse prevention
23 programs under section 144.13A, subsection 4, paragraph "a":

24 \$ 217,772

25 6. For programs for at-risk children under section 279.51:

26 \$ 11,493,891

27 The amount of any reduction in this subsection shall be
28 prorated among the programs specified in section 279.51,
29 subsection 1, paragraphs "a", "b", and "c".

30 7. For payment for nonpublic school transportation under
31 section 285.2:

32 \$ 7,060,931

33 If total approved claims for reimbursement for nonpublic
34 school pupil transportation exceed the amount appropriated in
35 accordance with this subsection, the department of education

1 shall prorate the amount of each approved claim.

2 8. For reimbursement for the homestead property tax credit
3 under section 425.1:

4 \$ 86,188,387

5 9. For reimbursement for the family farm and agricultural
6 land tax credits under sections 425A.1 and 426.1:

7 \$ 32,395,131

8 10. For the enforcement of chapter 453D relating to tobacco
9 product manufacturers under section 453D.8:

10 \$ 18,416

11 Sec. 4. INSTRUCTIONAL SUPPORT STATE AID — FY 2011-2012. In
12 lieu of the appropriation provided in section 257.20,
13 subsection 2, the appropriation for the fiscal year
14 beginning July 1, 2011, and ending June 30, 2012, for paying
15 instructional support state aid under section 257.20 for fiscal
16 year 2011-2012 is zero.

17 Sec. 5. Section 256.30, unnumbered paragraph 1, Code 2011,
18 is amended by striking the unnumbered paragraph and inserting
19 in lieu thereof the following:

20 For the fiscal year beginning July 1, 2011, and ending
21 June 30, 2012, and for each succeeding fiscal year, there
22 is appropriated from the general fund of the state to the
23 department the sum of one hundred thousand dollars. The
24 department shall distribute the appropriation to the tribal
25 council of the Sac and Fox Indian settlement for expenses of
26 educating American Indian children residing in the Sac and Fox
27 Indian settlement on land held in trust by the secretary of
28 the interior of the United States in excess of federal moneys
29 paid to the tribal council for educating the American Indian
30 children when moneys are appropriated for that purpose. The
31 tribal council shall administer the moneys distributed pursuant
32 to this section and shall submit an annual report and other
33 reports as required by the department to the department on the
34 expenditure of the moneys.

35 Sec. 6. Section 257.35, Code 2011, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 5A. Notwithstanding subsection 1, and in
3 addition to the reduction applicable pursuant to subsection
4 2, the state aid for area education agencies and the portion
5 of the combined district cost calculated for these agencies
6 for the fiscal year beginning July 1, 2011, and ending June
7 30, 2012, shall be reduced by the department of management by
8 ten million dollars. The reduction for each area education
9 agency shall be prorated based on the reduction that the agency
10 received in the fiscal year beginning July 1, 2003.

11 DIVISION III

12 SALARIES, COMPENSATION, AND RELATED MATTERS

13 Sec. 7. APPOINTED STATE OFFICERS.

14 1. The governor shall establish a salary for appointed
15 nonelected persons in the executive branch of state government
16 holding a position enumerated in and within the salary
17 ranges provided in 2008 Iowa Acts, chapter 1191, section 14,
18 by considering, among other items, the experience of the
19 individual in the position, changes in the duties of the
20 position, the incumbent's performance of assigned duties, and
21 subordinates' salaries. However, the attorney general shall
22 establish the salary for the consumer advocate, the chief
23 justice of the supreme court shall establish the salary for the
24 state court administrator, the ethics and campaign disclosure
25 board shall establish the salary of the executive director, and
26 the Iowa public broadcasting board shall establish the salary
27 of the administrator of the public broadcasting division of the
28 department of education, each within the salary range provided
29 in 2008 Iowa Acts, chapter 1191, section 14.

30 2. The governor, in establishing salaries as provided in
31 this section, shall take into consideration other employee
32 benefits which may be provided for an individual including but
33 not limited to housing.

34 3. A person whose salary is established pursuant to this
35 section and who is a full-time, year-round employee of the

1 state shall not receive any other remuneration from the state
2 or from any other source for the performance of that person's
3 duties unless the additional remuneration is first approved by
4 the governor or authorized by law. However, this provision
5 does not exclude the reimbursement for necessary travel and
6 expenses incurred in the performance of duties or fringe
7 benefits normally provided to employees of the state.

8 Sec. 8. COLLECTIVE BARGAINING AGREEMENTS FUNDED. The
9 various state departments, boards, commissions, councils,
10 and agencies, including the state board of regents, for
11 the fiscal year beginning July 1, 2011, and ending June 30,
12 2012, shall provide from available sources pay adjustments,
13 expense reimbursements, and related benefits to fully fund the
14 following:

15 1. The collective bargaining agreement negotiated pursuant
16 to chapter 20 for employees in the blue collar bargaining unit.

17 2. The collective bargaining agreement negotiated pursuant
18 to chapter 20 for employees in the public safety bargaining
19 unit.

20 3. The collective bargaining agreement negotiated pursuant
21 to chapter 20 for employees in the security bargaining unit.

22 4. The collective bargaining agreement negotiated pursuant
23 to chapter 20 for employees in the technical bargaining unit.

24 5. The collective bargaining agreement negotiated pursuant
25 to chapter 20 for employees in the professional fiscal and
26 staff bargaining unit.

27 6. The collective bargaining agreement negotiated pursuant
28 to chapter 20 for employees in the clerical bargaining unit.

29 7. The collective bargaining agreement negotiated pursuant
30 to chapter 20 for employees in the professional social services
31 bargaining unit.

32 8. The collective bargaining agreement negotiated pursuant
33 to chapter 20 for employees in the community-based corrections
34 bargaining unit.

35 9. The collective bargaining agreements negotiated

1 pursuant to chapter 20 for employees in the judicial branch of
2 government bargaining units.

3 10. The collective bargaining agreement negotiated pursuant
4 to chapter 20 for employees in the patient care bargaining
5 unit.

6 11. The collective bargaining agreement negotiated pursuant
7 to chapter 20 for employees in the science bargaining unit.

8 12. The collective bargaining agreement negotiated pursuant
9 to chapter 20 for employees in the university of northern Iowa
10 faculty bargaining unit.

11 13. The collective bargaining agreement negotiated pursuant
12 to chapter 20 for employees in the state university of Iowa
13 graduate student bargaining unit.

14 14. The collective bargaining agreement negotiated pursuant
15 to chapter 20 for employees in the state university of Iowa
16 hospital and clinics tertiary health care bargaining unit.

17 15. The annual pay adjustments, related benefits, and
18 expense reimbursements referred to in the sections of this
19 division of this Act addressing noncontract state and state
20 board of regents employees who are not covered by a collective
21 bargaining agreement.

22 Sec. 9. NONCONTRACT STATE EMPLOYEES — GENERAL.

23 1. For the fiscal year beginning July 1, 2011:

24 a. The maximum and minimum salary levels of all pay plans
25 provided for in section 8A.413, subsection 3, as they exist for
26 the fiscal year ending June 30, 2011, shall not increase.

27 b. The pay plans for state employees who are exempt
28 from chapter 8A, subchapter IV, and who are included in the
29 department of administrative services' centralized payroll
30 system shall not be increased, and any additional changes
31 in any executive branch pay plans shall be approved by the
32 governor.

33 2. This section does not apply to members of the general
34 assembly, board members, commission members, persons whose
35 salaries are set by the general assembly pursuant to this Act

1 or are set by the governor, or other persons designated in the
2 section of this division of this Act addressing appointed state
3 officers, employees designated under section 8A.412, subsection
4 5, and employees covered by 11 IAC 53.6(3).

5 3. The pay plans for the bargaining eligible employees of
6 the state shall not be increased, and any additional changes
7 in such executive branch pay plans shall be approved by the
8 governor. As used in this section, "bargaining eligible
9 employee" means an employee who is eligible to organize under
10 chapter 20, but has not done so.

11 4. The policies for implementation of this section shall be
12 approved by the governor.

13 Sec. 10. STATE EMPLOYEES — STATE BOARD OF REGENTS. For
14 the fiscal year beginning July 1, 2011, and ending June 30,
15 2012, funds shall be provided from available sources of the
16 state board of regents for funding of collective bargaining
17 agreements for state board of regents employees covered by
18 such agreements and for the following state board of regents
19 employees not covered by a collective bargaining agreement:

20 1. Regents merit system employees and merit supervisory
21 employees.

22 2. Faculty members and professional and scientific
23 employees.

24 Sec. 11. BONUS PAY. For the fiscal year beginning July
25 1, 2011, and ending June 30, 2012, employees of the executive
26 branch, judicial branch, and legislative branch shall not
27 receive bonus pay unless otherwise authorized by law, required
28 pursuant to a contract of employment entered into before July
29 1, 2011, or required pursuant to a collective bargaining
30 agreement. This section does not apply to employees of the
31 state board of regents. For purposes of this section, "bonus
32 pay" means any additional remuneration provided an employee in
33 the form of a bonus, including but not limited to a retention
34 bonus, recruitment bonus, exceptional job performance pay,
35 extraordinary job performance pay, exceptional performance pay,

1 extraordinary duty pay, or extraordinary or special duty pay,
2 and any extra benefit not otherwise provided to other similarly
3 situated employees.

4 Sec. 12. SPECIAL FUNDS. For the fiscal year beginning July
5 1, 2011, and ending June 30, 2012, salary adjustments otherwise
6 provided for in this Act may be funded using departmental
7 revolving, trust, or special funds for which the general
8 assembly has established an operating budget, provided doing so
9 does not exceed the operating budget established by the general
10 assembly.

11 Sec. 13. FEDERAL FUNDS APPROPRIATED. For the fiscal year
12 beginning July 1, 2011, all federal grants to and the federal
13 receipts of the agencies affected by this division of this Act
14 which are received and may be expended for purposes of this
15 division of this Act are appropriated for those purposes and as
16 set forth in the federal grants or receipts.

17 Sec. 14. STATE TROOPER MEAL ALLOWANCE. For the fiscal
18 year beginning July 1, 2011, the sworn peace officers in the
19 department of public safety who are not covered by a collective
20 bargaining agreement negotiated pursuant to chapter 20 shall
21 receive the same per diem meal allowance as the sworn peace
22 officers in the department of public safety who are covered
23 by a collective bargaining agreement negotiated pursuant to
24 chapter 20.

25 Sec. 15. SALARY MODEL ADMINISTRATOR. The salary model
26 administrator shall work in conjunction with the legislative
27 services agency to maintain the state's salary model used for
28 analyzing, comparing, and projecting state employee salary
29 and benefit information, including information relating to
30 employees of the state board of regents. The department of
31 revenue, the department of administrative services, the five
32 institutions under the jurisdiction of the state board of
33 regents, the judicial district departments of correctional
34 services, and the state department of transportation shall
35 provide salary data to the department of management and the

1 legislative services agency to operate the state's salary
2 model. The format and frequency of provision of the salary
3 data shall be determined by the department of management and
4 the legislative services agency. The information shall be
5 used in collective bargaining processes under chapter 20 and
6 in calculating the funding needs contained within the annual
7 salary adjustment legislation. A state employee organization
8 as defined in section 20.3, subsection 4, may request
9 information produced by the model, but the information provided
10 shall not contain information attributable to individual
11 employees.

12 DIVISION IV

13 CORRECTIVE PROVISIONS

14 Sec. 16. Section 8.6, subsection 9A, as enacted by 2011 Iowa
15 Acts, House File 45, section 39, is amended to read as follows:

16 9A. *Budget and tax rate databases.* To develop and make
17 available to the public a searchable budget database and
18 internet site as required under chapter 8G, ~~division~~ subchapter
19 I, and to develop and make available to the public a searchable
20 tax rate database and internet site as required under chapter
21 8G, ~~division~~ subchapter II.

22 Sec. 17. Section 8.57E, subsection 3, paragraph a, as
23 enacted by 2011 Iowa Acts, Senate File 209, section 30, is
24 amended to read as follows:

25 a. Moneys in the ~~taxpayer's~~ taxpayers trust fund may be
26 used for cash flow purposes during a fiscal year provided that
27 any moneys so allocated are returned to the fund by the end of
28 that fiscal year.

29 Sec. 18. Section 8G.13, as enacted by 2011 Iowa Acts, House
30 File 45, section 50, is amended to read as follows:

31 **8G.13 Updating database.**

32 To facilitate the department of management's efforts in
33 creating and maintaining a searchable database of the taxes
34 identified in section 8G.12, subsection 3 1, for all taxing
35 jurisdictions in the state, each taxing jurisdiction may

1 annually be required to report its tax rates to the department
2 of management or the department of revenue and shall report any
3 changes to its tax rates within thirty days of the change.

4 Sec. 19. Section 16.193, subsection 3, paragraph a, Code
5 2011, as amended by 2011 Iowa Acts, Senate File 475, section
6 11, is amended to read as follows:

7 a. During the term of the Iowa jobs program and Iowa jobs
8 II program, the Iowa finance authority shall collect data on
9 all of the projects approved for the ~~program~~ programs. The
10 department of management and the state agencies associated
11 with the projects shall assist the authority with the data
12 collection and in developing the report required by this
13 subsection. The authority shall report quarterly to the
14 governor and the general assembly concerning the data.

15 Sec. 20. Section 68A.401, subsection 4, Code 2011, as
16 amended by 2011 Iowa Acts, Senate File 475, section 17, is
17 amended to read as follows:

18 4. Political committees expressly advocating the
19 nomination, election, or defeat of candidates for both
20 federal office and any elected office created by law or the
21 Constitution of the State of Iowa shall file statements and
22 reports with the board in addition to any federal reports
23 required to be filed with the board. However, a political
24 committee that is registered and filing full disclosure
25 reports of all financial activities with the federal election
26 commission may file verified statements as provided in section
27 ~~68B.201A~~ 68A.201A.

28 Sec. 21. Section 139A.19, subsection 3, as enacted by 2011
29 Iowa Acts, House File 467, section 20, is amended to read as
30 follows:

31 3. This section does not preclude a hospital, clinic, other
32 health facility, or a health care provider from providing
33 notification to a care provider under circumstances in
34 which the hospital's, clinic's, other health facility's, or
35 health care provider's policy provides for notification of

1 the hospital's, ~~clinics~~ clinic's, other health facility's,
2 or health care provider's own employees of exposure to a
3 contagious or infectious disease that is not life-threatening
4 if the notice does not reveal a patient's name, unless the
5 patient consents.

6 Sec. 22. Section 175.3, subsection 1, paragraph a, Code
7 2011, as amended by 2011 Iowa Acts, Senate File 429, section 1,
8 is amended to read as follows:

9 a. The agricultural development authority is established
10 within the department of agriculture and land stewardship. The
11 agency authority is constituted as a public instrumentality
12 and agency of the state exercising public and essential
13 governmental functions.

14 Sec. 23. Section 207.22, subsection 3, paragraph b, Code
15 2011, as amended by 2011 Iowa Acts, Senate File 475, section
16 47, is amended to read as follows:

17 b. Acquisition of coal refuse disposal sites and all
18 coal refuse thereon will serve the purposes of ~~Tit. IV of~~
19 Pub. L. No. 95-87, Tit. IV, codified at 30 U.S.C. ch. 25,
20 subch. IV, or that public ownership is desirable to meet
21 emergency situations and prevent recurrences of the adverse
22 effect of past coal mining practices.

23 Sec. 24. Section 232.71D, subsection 3, paragraph a,
24 unnumbered paragraph 1, as enacted by 2011 Iowa Acts, House
25 File 562, section 3, is amended to read as follows:

26 Unless any of the circumstances listed in paragraph "b" are
27 applicable, cases to which any of the following circumstances
28 apply shall not be placed ~~on~~ in the central registry:

29 Sec. 25. Section 256.7, subsection 26, paragraph a,
30 subparagraph (1), as enacted by 2011 Iowa Acts, Senate File
31 453, section 1, is amended to read as follows:

32 (1) The rules establishing high school graduation
33 requirements shall authorize a school district or
34 accredited nonpublic school to consider that any student who
35 satisfactorily completes a high school-level unit of English

1 or language arts, mathematics, science, or social studies has
2 satisfactorily completed a unit of the high school graduation
3 requirements for that area as specified in this lettered
4 paragraph, and ~~to~~ shall authorize the school district or
5 accredited nonpublic school to issue high school credit for the
6 unit to the student.

7 Sec. 26. Section 327B.5, Code 2011, is amended to read as
8 follows:

9 **327B.5 Penalty.**

10 Any person violating the provisions of this chapter shall,
11 upon conviction, be subject to a scheduled fine as provided in
12 section 805.8A, subsection 13, ~~paragraphs~~ paragraph "f" and ~~"g"~~.

13 Sec. 27. Section 483A.24A, Code 2011, as amended by 2011
14 Iowa Acts, Senate File 194, section 10, is amended to read as
15 follows:

16 **483A.24A License refunds — military service.**

17 Notwithstanding any provision of this chapter to the
18 contrary, a service member deployed for military service, both
19 as defined in section 29A.1, subsection 3, shall receive a
20 refund of that portion of any license fee paid by the service
21 member representing the service member's period of military
22 service.

23 Sec. 28. Section 501.101, subsection 01, as enacted by 2011
24 Iowa Acts, House File 348, section 7, is amended to read as
25 follows:

26 01. "Alternative voting method" means a method of voting
27 other than a written ballot, including voting by electronic,
28 telephonic, internet, or other means that reasonably ~~allow~~
29 allows members the opportunity to vote.

30 Sec. 29. Section 501A.703, subsection 5, paragraph d, Code
31 2011, as amended by 2011 Iowa Acts, House File 348, section 19,
32 is amended to read as follows:

33 d. If the ballot of the member is received by the
34 cooperative on or before the date of the regular members'
35 meeting or as otherwise prescribed for an alternative, voting

1 method, the ballot or alternative voting method shall be
2 accepted and counted as the vote of the absent member.

3 Sec. 30. Section 511.8, subsection 22, paragraph i,
4 unnumbered paragraph 1, as enacted by 2011 Iowa Acts, Senate
5 File 406, section 25, is amended to read as follows:

6 Securities held in the legal reserve of a life insurance
7 company or association pledged as collateral for financial
8 instruments used in highly effective hedging transactions as
9 defined in the national association of insurance commissioners'
10 ~~Statement~~ statement of ~~Statutory Accounting Principles No.~~
11 statutory accounting principles no. 86 shall continue to
12 be eligible for inclusion ~~on~~ in the legal reserve of the
13 life insurance company or association subject to all of the
14 following:

15 Sec. 31. Section 514J.109, subsection 3, paragraph f,
16 if enacted by 2011 Iowa Acts, House File 597, section 9, is
17 amended to read as follows:

18 *f.* The covered person or the covered person's authorized
19 representative has provided all the information and forms
20 required by the commissioner that are necessary to process an
21 external review request pursuant to this section.

22 Sec. 32. Section 521F.4, subsection 1, paragraph b, as
23 enacted by 2011 Iowa Acts, Senate File 406, section 44, is
24 amended to read as follows:

25 *b.* The filing of a risk-based capital report by a health
26 organization which indicates that the health organization has
27 total adjusted capital which is greater than or equal to its
28 company-action-level risk-based capital but less than the
29 product of its authorized-control-level risk-based capital and
30 three and triggers the trend test determined in accordance with
31 the trend test ~~calculations~~ calculation included in the health
32 risk-based capital instructions.

33 Sec. 33. Section 524.310, subsection 5, paragraph b, Code
34 2011, as amended by 2011 Iowa Acts, Senate File 475, section
35 120, is amended to read as follows:

1 *b.* A corporate or company name reserved, registered, or
2 protected as provided in section 489.109, 490.402, 490.403,
3 ~~490A.402~~, 504.402, or 504.403.

4 Sec. 34. Section 717.3, subsection 5, paragraph b, Code
5 2011, as enacted by 2011 Iowa Acts, Senate File 478, section 6,
6 is amended to read as follows:

7 *b.* That the department shall assume supervision of and
8 provide for the sustenance of the livestock ~~and~~ as provided in
9 section 717.4.

10 Sec. 35. Section 717.4, subsection 2, as enacted by 2011
11 Iowa Acts, Senate File 478, section 7, is amended to read as
12 follows:

13 2. The court ordered lien shall be for the benefit of the
14 department. The amount of the lien shall not be ~~not~~ more than
15 for expenses incurred in providing sustenance to the livestock
16 pursuant to section 717.3 and providing for the disposition of
17 the livestock pursuant to section 717.5.

18 Sec. 36. Section 717.4A, as enacted by 2011 Iowa Acts,
19 Senate File 478, section 8, is amended to read as follows:

20 **717.4A Livestock in immediate need of sustenance — livestock**
21 **remediation fund.**

22 The department may utilize the moneys deposited into the
23 livestock remediation fund pursuant to section 459.501 to pay
24 for any expenses associated with providing sustenance to or
25 the disposition of the livestock pursuant to a court order
26 entered pursuant to section 717.3 or 717.5. The department
27 shall utilize moneys from the fund only to the extent that
28 the department determines that expenses cannot be timely
29 paid by utilizing the available provisions of sections 717.4
30 and 717.5. The department shall deposit any unexpended and
31 unobligated moneys in the fund. The department shall pay to
32 the fund the proceeds from the disposition of the livestock and
33 associated products less expenses incurred by the department in
34 providing for the sustenance and disposition of the livestock,
35 as provided in section 717.5.

DIVISION V

MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

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3 Sec. 37. VISION SCREENING PROGRAM — DEPARTMENT OF PUBLIC
4 HEALTH. There is appropriated from the general fund of the
5 state to the department of public health for the fiscal year
6 beginning July 1, 2011, and ending June 30, 2012, the following
7 amount, or so much thereof as is necessary, to be used for the
8 purposes designated:

9 For a grant to a national affiliated volunteer eye
10 organization that has an established program for children and
11 adults and that is solely dedicated to preserving sight and
12 preventing blindness through education, nationally certified
13 vision screening and training, and community and patient
14 service programs:

15 \$ 100,000

16 Sec. 38. APPROPRIATION — FARMERS WITH DISABILITIES. There
17 is appropriated from the general fund of the state to the
18 department of agriculture and land stewardship for the fiscal
19 year beginning July 1, 2011, and ending June 30, 2012, the
20 following amount, or so much thereof as is necessary, for a
21 program for farmers with disabilities:

22 \$ 97,000

23 The moneys appropriated in this section shall be used
24 for the public purpose of providing a grant to a national
25 nonprofit organization with over 80 years of experience in
26 assisting children and adults with disabilities and special
27 needs. The moneys shall be used to support a nationally
28 recognized program that began in 1986 and has been replicated
29 in at least 30 other states, but which is not available through
30 any other entity in this state, and that provides assistance
31 to farmers with disabilities in all 99 counties to allow the
32 farmers to remain in their own homes and be gainfully engaged
33 in farming through provision of agricultural worksite and home
34 modification consultations, peer support services, services
35 to families, information and referral, and equipment loan

1 services. Notwithstanding section 8.33, moneys appropriated
2 in this section that remain unencumbered or unobligated at the
3 close of the fiscal year shall not revert but shall remain
4 available for expenditure for the purposes designated until the
5 close of the succeeding fiscal year.

6 Sec. 39. APPROPRIATION — BATTLESHIP IOWA, BB-61.

7 1. There is appropriated from the general fund of the state
8 to the department of cultural affairs for the fiscal year
9 beginning July 1, 2010, and ending June 30, 2011, the following
10 amount, or so much thereof as is necessary, to be credited to
11 the BB-61 fund created in 2010 Iowa Acts, chapter 1194:

12 \$ 3,000,000

13 2. If the department of the navy, pursuant to a process
14 outlined in a notice published in the federal register on
15 May 24, 2010, volume 75, number 99, awards possession or
16 conditionally awards possession of the battleship Iowa,
17 BB-61, to a nonprofit group that is eligible to receive the
18 battleship, the department of cultural affairs shall award a
19 grant to the nonprofit group in an amount equal to \$3 million
20 in addition to any moneys awarded as a grant from the BB-61
21 fund.

22 3. Notwithstanding section 8.33, moneys appropriated in
23 this section that remain unencumbered or unobligated at the
24 close of the fiscal year shall not revert but shall remain
25 available for expenditure for the purposes designated for
26 succeeding fiscal years.

27 Sec. 40. GROUP HOME GRANT. There is appropriated from the
28 general fund of the state to the Iowa finance authority for the
29 fiscal year beginning July 1, 2010, and ending June 30, 2011,
30 the following amount, or so much thereof as is necessary, to be
31 used for the purposes designated:

32 For a grant to a nonprofit organization providing
33 residential services for persons with an intellectual
34 disability at the intermediate care facility level and services
35 under the medical assistance program habilitation and brain

1 injury home and community-based services waivers, that is
2 located in and providing such services in a county with a
3 population between 90,000 and 95,000, according to the latest
4 certified federal census:

5 \$ 100,000

6 The grant under this section shall be used for purchase or
7 remodeling costs to develop a group home for not more than four
8 individuals with intellectual disabilities or brain injury.

9 Sec. 41. INVESTIGATIONS DIVISION OF DEPARTMENT OF
10 INSPECTIONS AND APPEALS — CONTINGENT FTE AUTHORIZATION. If
11 Senate File 313 or successor legislation providing for debt
12 setoff or other recovery activities for nonpayment of premiums
13 pursuant to section 249A.3, subsection 2, paragraph "a",
14 subparagraph (1), relating to a special income eligibility
15 group under the Medicaid program, or pursuant to section
16 249J.8, subsection 1, relating to the expansion population
17 eligibility group under the IowaCare program, is enacted by
18 the Eighty-fourth General Assembly, 2011 Session, in addition
19 to other full-time equivalent positions authorized for the
20 investigations division of the department of inspections and
21 appeals for the fiscal year beginning July 1, 2011, not more
22 than 2.00 FTEs are authorized, to the extent funded through
23 moneys available to the department of human services, to
24 be used to implement such provisions of Senate File 313 or
25 successor legislation.

26 Sec. 42. SPECIAL EDUCATION INSTRUCTIONAL PROGRAM. If a
27 school district that is participating on a contractual basis
28 in a special education instructional program operated by an
29 area education agency, in which the area education agency
30 employed teachers on behalf of the school district at the time
31 the department of management calculated the teacher salary
32 supplement cost per pupil under section 257.10, subsection
33 9, the professional development supplement cost per pupil
34 under section 257.10, subsection 10, the area education agency
35 teacher salary supplement cost per pupil under section 257.37A,

1 subsection 1, and the area education agency professional
2 development supplement cost per pupil under section 257.37A,
3 subsection 2, for the fiscal year beginning July 1, 2009,
4 terminates the contract for participation in the special
5 education instructional program, the area education agency
6 operating the program shall notify the department of management
7 of the contract termination by the following April 1. The
8 department of management shall recalculate the cost per
9 pupil amounts for the area education agency and the school
10 district for the fiscal year succeeding the notification
11 date for the teacher salary supplement cost per pupil under
12 section 257.10, subsection 9, the professional development
13 supplement cost per pupil under section 257.10, subsection
14 10, the area education agency teacher salary supplement cost
15 per pupil under section 257.37A, subsection 1, and the area
16 education agency professional development supplement cost
17 per pupil under section 257.37A, subsection 2, by estimating
18 the amount of the original allocations used in the cost per
19 pupil calculation that would have been allocated to the school
20 district rather than the area education agency had the special
21 education instructional program not existed, and the department
22 of management shall increase the annual supplement cost per
23 pupil for the school district and area education agency by the
24 appropriate allowable growth for the appropriate fiscal years.

25 Sec. 43. TASK FORCE ON THE PREVENTION OF SEXUAL ABUSE OF
26 CHILDREN.

27 1. A task force on the prevention of sexual abuse of
28 children is established consisting of the following members:
29 a. Four members of the general assembly serving as ex
30 officio, nonvoting members, with not more than one member from
31 each chamber being from the same political party. The two
32 senators shall be appointed, one each, by the majority leader
33 of the senate and by the minority leader of the senate. The two
34 representatives shall be appointed, one each, by the speaker of
35 the house of representatives and by the minority leader of the

1 house of representatives.

2 b. The director of human services or the director's
3 designee.

4 c. The director of the department of education or the
5 director's designee.

6 d. The director of public health or the director's designee.

7 e. The state court administrator or the state court
8 administrator's designee.

9 f. A representative of the Iowa county attorneys
10 association, appointed by the president of that association.

11 g. A representative of the chief juvenile court officers,
12 appointed by the chief justice of the supreme court.

13 h. A representative of the Iowa state education
14 association, appointed by the president of that organization.

15 i. A representative of prevent child abuse Iowa, appointed
16 by the director of human services.

17 j. A representative of school administrators of Iowa,
18 appointed by the president of that organization.

19 k. A representative of the Iowa association of school
20 boards, appointed by the executive director of that
21 organization.

22 l. A representative of the Iowa psychological association,
23 appointed by the president of that association.

24 m. A representative of the Iowa coalition against sexual
25 assault, appointed by the executive director of that coalition.

26 n. A representative of prevent child abuse Iowa, appointed
27 by the executive director of that organization.

28 o. A child abuse expert employed by or under contract with
29 one of Iowa's nationally accredited child protection centers,
30 appointed by the director of the regional child protection
31 center located in Des Moines.

32 2. Members of the task force shall be individuals who are
33 actively involved in the fields of child abuse prevention. To
34 the extent possible, appointment of members shall reflect the
35 geographic diversity of the state. The voting members of the

1 task force shall serve without compensation and shall not be
2 reimbursed for their expenses.

3 3. The director of prevent child abuse Iowa, or the
4 director's designee, shall convene the organizational meeting
5 of the task force. The task force shall elect from among
6 its members a chairperson. Meetings shall be held at the
7 call of the chairperson or at the request of two or more task
8 force members. Six members shall constitute a quorum and the
9 affirmative vote of six members shall be necessary for any
10 action taken by the task force.

11 4. Prevent child abuse Iowa shall provide staff support to
12 the task force.

13 5. The task force shall consult with employees of the
14 department of human services, the Iowa coalition against sexual
15 assault, the department of public safety, the state board
16 of education, and any other state agency or department as
17 necessary to accomplish the task force's responsibilities under
18 this section.

19 6. The task force shall develop a model policy addressing
20 sexual abuse of children that may include but is not limited
21 to the following:

22 a. Age-appropriate curricula for students enrolled in
23 prekindergarten through grade five.

24 b. Training options for school personnel on child sexual
25 abuse.

26 c. Educational information for parents and guardians that
27 may be provided in a school handbook and may include the
28 warning signs of a child being abused, along with any needed
29 assistance, referral, or resource information.

30 d. Counseling options and resources available statewide for
31 students affected by sexual abuse.

32 e. Emotional and educational support services that may
33 be available for a child subject to abuse to continue to be
34 successful in school.

35 f. Methods for increasing teacher, student, and parent

1 awareness of issues regarding sexual abuse of children,
2 including but not limited to knowledge of likely warning signs
3 indicating that a child may be a victim of sexual abuse.

4 g. Actions that a child who is a victim of sexual abuse
5 should take to obtain assistance and intervention.

6 7. The task force shall make recommendations for preventing
7 the sexual abuse of children in Iowa. In making those
8 recommendations, the task force shall do the following:

9 a. Gather information concerning child sexual abuse
10 throughout the state.

11 b. Receive reports and testimony from individuals, state
12 and local agencies, community-based organizations, and other
13 public and private organizations.

14 c. Create goals for state policy that would prevent child
15 sexual abuse.

16 d. Submit a final report with its recommendations to the
17 governor and the general assembly on or before January 16,
18 2012. The recommendations may include proposals for specific
19 statutory changes and methods to foster cooperation among state
20 agencies and between the state, local school districts, and
21 other local governments.

22 Sec. 44. RAILROAD COMPANY — LIMITED LIABILITY. A railroad
23 company which alters facilities described in section 327F.2
24 pursuant to a written agreement executed on or before December
25 31, 2012, with a political subdivision with a population of
26 more than 67,800, but less than 67,900, according to the 2010
27 certified federal census, to construct a flood mitigation
28 project shall receive the limitation on liability contained
29 in section 670.4, subsection 8, for its facilities described
30 in section 327F.2 governed by the written agreement for any
31 damages caused by the alteration due to a flood.

32 Sec. 45. STATE AGENCY OFFICE SUPPLIES PURCHASE,
33 EQUIPMENT PURCHASES, PRINTING AND BINDING, AND MARKETING
34 — APPLICABILITY. The limitation on expenditures made for
35 office supplies, purchases of equipment, office equipment, and

1 equipment noninventory, printing and binding, and marketing
2 implemented pursuant to 2011 Iowa Acts, House File 45, section
3 2, does not apply to a department or agency receiving a
4 supplemental appropriation for the fiscal year beginning July
5 1, 2010, pursuant to 2011 Iowa Acts, Senate File 209, division
6 III.

7 Sec. 46. ELECTIONS RELATED SOFTWARE.

8 1. Any computer software developed by a county for purposes
9 of election activities is the property of the county unless the
10 county sells the rights to the software.

11 2. The secretary of state shall not purchase from a
12 political subdivision any rights to computer software
13 developed by the political subdivision for purposes of election
14 activities.

15 Sec. 47. EFFECTIVE DATE — 2011 IOWA ACTS, SENATE FILE 205.

16 1. 2011 Iowa Acts, Senate File 205, section 3, amending
17 section 321.47, subsection 2, being deemed of immediate
18 importance, takes effect on the effective date of this section
19 of this division of this Act.

20 2. 2011 Iowa Acts, Senate File 205, section 4, enacting
21 section 321.113, subsection 5, being deemed of immediate
22 importance, takes effect on the effective date of this section
23 of this division of this Act.

24 3. 2011 Iowa Acts, Senate File 205, section 5, amending
25 section 321.121, subsection 1, paragraph "b", being deemed of
26 immediate importance, takes effect on the effective date of
27 this section of this division of this Act.

28 4. 2011 Iowa Acts, Senate File 205, section 6, enacting
29 section 321.122, subsection 1, paragraph "b", subparagraph
30 (3), being deemed of immediate importance, takes effect on the
31 effective date of this section of this division of this Act.

32 Sec. 48. Section 279.51, subsection 2, Code 2011, is amended
33 to read as follows:

34 2. a. Funds allocated under subsection 1, paragraph "b",
35 shall be used by the child development coordinating council for

1 the following:

2 ~~a-~~ (1) To continue funding for programs previously
3 funded by grants awarded under section 256A.3 and to provide
4 additional grants under section 256A.3. The council shall seek
5 to provide grants on the basis of the location within the state
6 of children meeting at-risk definitions.

7 ~~b-~~ (2) At the discretion of the child development
8 coordinating council, award grants for the following:

9 (1) (a) To school districts to establish programs for
10 three-year-old, four-year-old, and five-year-old at-risk
11 children which are a combination of preschool and full-day
12 kindergarten.

13 (2) (b) To provide grants to provide educational support
14 services to parents of at-risk children age birth through three
15 years.

16 b. A grantee under this subsection may direct the use of
17 moneys received to serve any qualifying child ranging in age
18 from three years old to five years old, regardless of the age
19 of population indicated on the grant request in its initial
20 year of application. A grantee is encouraged to consider the
21 degree to which the program complements existing programs and
22 services for three-year-old, four-year-old, and five-year-old
23 at-risk children available in the area, including other child
24 care and preschool services, services provided through a school
25 district, and services available through an area education
26 agency.

27 Sec. 49. Section 303.19A, subsection 1, as enacted by 2011
28 Iowa Acts, House File 267, section 2, is amended to read as
29 follows:

30 1. The state historic preservation officer shall only
31 recommend that a rural electric cooperative or a municipal
32 utility constructing electric distribution and transmission
33 facilities for which it is receiving federal funding conduct
34 an archeological site survey of its proposed route when, based
35 upon a review of existing information on historic properties

1 within the area of potential effects of the construction, the
2 state historic preservation officer has determined that a
3 historic property, as defined by the federal National Historic
4 Preservation Act of 1966, as amended, is likely to exist within
5 the proposed route.

6 Sec. 50. Section 321J.2, subsection 4, paragraph b, Code
7 2011, is amended to read as follows:

8 b. Assessment of a minimum fine of one thousand eight
9 hundred ~~fifty~~ seventy-five dollars and a maximum fine of six
10 thousand two hundred fifty dollars. Surcharges and fees shall
11 be assessed pursuant to chapter 911.

12 Sec. 51. Section 466B.31, subsection 2, paragraph a, Code
13 2011, is amended by adding the following new subparagraph:

14 NEW SUBPARAGRAPH. (17) One member selected by the
15 agribusiness association of Iowa.

16 Sec. 52. Section 537A.5, subsection 1, as enacted by 2011
17 Iowa Acts, Senate File 396, section 1, is amended to read as
18 follows:

19 1. As used in this section, "*construction contract*"
20 means an agreement relating to the construction, alteration,
21 improvement, development, demolition, excavation,
22 rehabilitation, maintenance, or repair of buildings, ~~highways,~~
23 ~~roads, streets, bridges, tunnels, transportation facilities,~~
24 ~~airports,~~ water or sewage treatment plants, power plants,
25 or any other improvements to real property in this state,
26 including shafts, wells, and structures, whether on ground,
27 above ground, or underground, and includes agreements for
28 architectural services, design services, engineering services,
29 construction services, construction management services,
30 development services, maintenance services, material purchases,
31 equipment rental, and labor. "*Construction contract*" includes
32 all public, private, foreign, or domestic agreements as
33 described in this subsection other than such public agreements
34 relating to highways, roads, and streets.

35 Sec. 53. Section 654.4B, subsection 2, paragraph b, Code

1 2011, is amended to read as follows:

2 *b.* This subsection is repealed July 1, ~~2011~~ 2012.

3 Sec. 54. EFFECTIVE UPON ENACTMENT. The following provision
4 or provisions of this division of this Act, being deemed of
5 immediate importance, take effect upon enactment:

6 1. The section of this division of this Act amending section
7 303.19A.

8 2. The section of this division of this Act amending section
9 654.4B.

10 3. The section of this division of this Act appropriating
11 moneys to the department of cultural affairs for purposes of a
12 grant for the battleship Iowa, BB-61.

13 4. The section of this division of this Act creating a task
14 force on the prevention of sexual abuse of children.

15 5. The section of this division of this Act providing
16 effective dates for certain provisions in 2011 Iowa Acts,
17 Senate File 205.

18 6. The section in this division of this Act making an
19 appropriation to the Iowa finance authority for a group home
20 grant.

21 7. The section of this division of this Act relating to
22 a school district participating on a contractual basis in a
23 special education instructional program operated by an area
24 education agency.

25 Sec. 55. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
26 APPLICABILITY. The provision of this division of this Act
27 relating to a limitation on state agency office supplies
28 purchase, equipment purchases, printing and binding, and
29 marketing as enacted by 2011 Iowa Acts, House File 45, being
30 deemed of immediate importance, takes effect upon enactment and
31 applies retroactively to March 7, 2011.

32 DIVISION VI

33 REORGANIZATION

34 Sec. 56. NEW SECTION. 8.75 Contract services — training.

35 1. Each department, as defined in section 8.2, shall

1 separately track the budget and actual expenditures for
2 contract services and for employee training for each
3 appropriation line item.

4 2. The terms of the contracts for contracted services
5 entered into or revised during the fiscal year shall
6 incorporate quality assurance and cost control measures.

7 3. The employee training tracking information shall be
8 further divided into training categories. Each department's
9 report on training tracking shall specifically address the use
10 of electronically based training.

11 4. Each department shall report to the legislative services
12 agency on January 15 and July 15 of each year concerning
13 the budget, expenditure, quality assurance, and cost control
14 information addressed by this section for the previous six
15 calendar months.

16 Sec. 57. NEW SECTION. **8A.319 State government purchasing**
17 **efforts — department of administrative services.**

18 In order to facilitate efficient and cost-effective
19 purchasing, the department of administrative services shall do
20 the following:

21 1. Require state agencies to provide the department with
22 a report regarding planned purchases on an annual basis and
23 to report on an annual basis regarding efforts to standardize
24 products and services within their own agencies and with other
25 state agencies.

26 2. Require state employees who conduct bids for services to
27 receive training on an annual basis about procurement rules and
28 procedures and procurement best practices.

29 3. Identify procurement compliance employees within the
30 department.

31 4. Review the process and basis for establishing
32 departmental fees for purchasing.

33 5. Establish a work group to collaborate on best practices
34 to implement the best cost savings for the state concerning
35 purchasing.

1 6. Explore interstate and intergovernmental purchasing
2 opportunities and encourage the legislative and judicial
3 branches to participate in consolidated purchasing and
4 efficiencies wherever possible.

5 7. Expand the use of procurement cards throughout state
6 government to facilitate purchasing of items by state agencies.

7 Sec. 58. DEPARTMENT OF ADMINISTRATIVE SERVICES INFORMATION
8 TECHNOLOGY — UTILIZATION BY LEGISLATIVE AND JUDICIAL
9 BRANCH. The department of administrative services shall
10 consult with and explore opportunities with the legislative
11 and judicial branches of government relative to the providing
12 of information technology services to those branches of
13 government.

14 Sec. 59. STATE AGENCY ELECTRONIC RENEWAL NOTICES. State
15 agencies, as defined in section 8A.101, should, to the greatest
16 extent possible, utilize electronic mail or similar electronic
17 means to notify holders of licenses or permits issued by that
18 state agency that the license or permit needs to be renewed.
19 The chief information officer of the state shall assist state
20 agencies in implementing the directive in this section.

21 Sec. 60. STATE AGENCY EFFICIENCY EFFORTS.

22 1. LEAN EFFORTS. State agencies shall budget for and plan
23 to conduct lean projects as described in section 8.70. Each
24 state agency shall coordinate its activities with the office of
25 lean enterprise created in section 8.70 in developing plans to
26 conduct lean projects.

27 2. SHARED RESOURCES. State agencies are encouraged to
28 share resources and services, including staff, training, and
29 educational services, to the greatest extent possible in order
30 to best fulfill the duties of each agency at the least cost.

31 Sec. 61. JOINT APPROPRIATIONS SUBCOMMITTEES — REVIEW OF
32 AGENCY FEES. Each joint appropriations subcommittee of the
33 general assembly shall examine and review on an annual basis
34 the fees charged by state agencies under the purview of that
35 joint appropriations subcommittee.

1 Sec. 62. DEPARTMENT OF ADMINISTRATIVE SERVICES —
2 STREAMLINED HIRING. The department of administrative services
3 shall, in consultation with the department of management,
4 examine the process by which state agencies hire personnel
5 with the goal of simplifying and reducing the steps needed
6 for state agencies to hire personnel. The department shall
7 provide information to the general assembly concerning steps
8 taken to implement a more streamlined hiring process and any
9 recommendations for legislative action.

10 Sec. 63. TOBACCO RETAIL COMPLIANCE CHECKS. For the
11 fiscal year beginning July 1, 2011, and ending June 30, 2012,
12 the terms of a chapter 28D agreement, entered into between
13 the division of tobacco use prevention and control of the
14 department of public health and the alcoholic beverages
15 division of the department of commerce, governing compliance
16 checks conducted to ensure licensed retail tobacco outlet
17 conformity with tobacco laws, regulations, and ordinances
18 relating to persons under eighteen years of age, shall restrict
19 the number of such checks to one check per retail outlet, and
20 one additional check for any retail outlet found to be in
21 violation during the first check.

22 Sec. 64. DEPARTMENT OF ADMINISTRATIVE SERVICES —
23 CENTRALIZED PAYROLL SYSTEM. The department of administrative
24 services shall examine the possibility of merging all state
25 payroll systems into the centralized payroll system operated
26 by the department. The department shall consult with those
27 entities of state government not utilizing the centralized
28 payroll system, including but not limited to the state
29 department of transportation, about strategies for encouraging
30 utilization of the state's centralized payroll system and by
31 identifying those barriers preventing merging of the payroll
32 systems. The department shall provide information to the joint
33 appropriations subcommittee on administration and regulation
34 concerning efforts by the department to merge payroll systems
35 and any recommendations for legislative action to encourage, or

1 eliminate barriers to, the provision of payroll services by the
2 department to other state agencies.

3 Sec. 65. DEPARTMENT OF ADMINISTRATIVE SERVICES — PAYROLL
4 FREQUENCY. The department of administrative services shall
5 implement to the greatest extent possible a reduction in the
6 frequency of paying state employees by paying employees through
7 the payroll system on a semimonthly instead of a biweekly
8 basis.

9 DIVISION VII

10 MEDICATION THERAPY MANAGEMENT

11 Sec. 66. NEW SECTION. 8A.440 Medication therapy management.

12 1. As used in this section, unless the context otherwise
13 requires:

14 a. "*Eligible employee*" means an employee of the state, with
15 the exception of an employee of the state board of regents or
16 institutions under the state board of regents, for whom group
17 health plans are established pursuant to chapter 509A providing
18 for third-party payment or prepayment for health or medical
19 expenses.

20 b. "*Medication therapy management*" means a systematic
21 process performed by a licensed pharmacist, designed to
22 optimize therapeutic outcomes through improved medication use
23 and reduced risk of adverse drug events, including all of the
24 following services:

25 (1) A medication therapy review and in-person consultation
26 relating to all medications, vitamins, and herbal supplements
27 currently being taken by an eligible individual.

28 (2) A medication action plan, subject to the limitations
29 specified in this section, communicated to the individual and
30 the individual's primary care physician or other appropriate
31 prescriber to address safety issues, inconsistencies,
32 duplicative therapy, omissions, and medication costs. The
33 medication action plan may include recommendations to the
34 prescriber for changes in drug therapy.

35 (3) Documentation and follow-up to ensure consistent levels

1 of pharmacy services and positive outcomes.

2 2. *a.* The department shall amend the contract for the
3 provision of medication therapy management services as
4 initially required pursuant to 2010 Iowa Acts, chapter 1193,
5 section 166, to provide for the continuation of medication
6 therapy management services for eligible employees who meet any
7 of the following criteria:

8 (1) An individual who takes four or more prescription drugs
9 to treat or prevent two or more chronic medical conditions.

10 (2) An individual with a prescription drug therapy problem
11 who is identified by the prescribing physician or other
12 appropriate prescriber, and referred to a pharmacist for
13 medication therapy management services.

14 (3) An individual who meets other criteria established by
15 the third-party payment provider contract, policy, or plan.

16 *b.* The contract shall require the entity to provide annual
17 reports to the general assembly detailing the costs, savings,
18 estimated cost avoidance and return on investment, and patient
19 outcomes related to the medication therapy management services
20 provided. The entity shall guarantee demonstrated annual
21 savings, including any savings associated with cost avoidance
22 at least equal to the program's costs with any shortfall amount
23 refunded to the state. The contract shall include terms,
24 conditions, and applicable measurement standards associated
25 with the demonstration of savings. The department shall verify
26 the demonstrated savings reported by the entity was achieved
27 in accordance with the agreed upon measurement standards. The
28 entity shall be prohibited from using the entity's employees to
29 provide the medication therapy management services and shall
30 instead be required to contract with licensed pharmacies,
31 pharmacists, or physicians.

32 *c.* The department may establish an advisory committee
33 comprised of an equal number of physicians and pharmacists
34 to provide advice and oversight in evaluating the results of
35 the program. The department shall appoint the members of the

1 advisory committee based upon designees of the Iowa pharmacy
2 association, the Iowa medical society, and the Iowa osteopathic
3 medical association.

4 *d.* The fees for pharmacist-delivered medication therapy
5 management services shall be separate from the reimbursement
6 for prescription drug product or dispensing services; shall
7 be determined by each third-party payment provider contract,
8 policy, or plan; and must be reasonable based on the resources
9 and time required to provide the service.

10 *e.* A fee shall be established for physician reimbursement
11 for services delivered for medication therapy management as
12 determined by each third-party payment provider contract,
13 policy, or plan, and must be reasonable based on the resources
14 and time required to provide the service.

15 *f.* If any part of the medication therapy management
16 plan developed by a pharmacist incorporates services which
17 are outside the pharmacist's independent scope of practice
18 including the initiation of therapy, modification of dosages,
19 therapeutic interchange, or changes in drug therapy, the
20 express authorization of the individual's physician or other
21 appropriate prescriber is required.

22 *g.* The department shall utilize the services of the college
23 of pharmacy at a state university to validate reported drug
24 cost savings.

25 Sec. 67. APPROPRIATION — DEPARTMENT OF ADMINISTRATIVE
26 SERVICES. There is appropriated from the general fund of the
27 state to the department of administrative services for the
28 fiscal year beginning July 1, 2011, and ending June 30, 2012,
29 the following amount or so much thereof as is necessary, to be
30 used for the purpose specified:

31 For the medication therapy management program as enacted in
32 this Act:

33 \$ 481,000

34 Sec. 68. REPEAL. 2010 Iowa Acts, chapter 1193, section 166,
35 is repealed.

1 Sec. 69. EFFECTIVE UPON ENACTMENT. This division of this
2 Act, being deemed of immediate importance, takes effect upon
3 enactment.

4 DIVISION VIII

5 EARNED INCOME TAX CREDIT

6 Sec. 70. Section 422.12B, subsection 1, Code 2011, is
7 amended to read as follows:

8 1. The taxes imposed under this division less the credits
9 allowed under section 422.12 shall be reduced by an earned
10 income credit equal to ~~seven~~ ten percent of the federal earned
11 income credit provided in section 32 of the Internal Revenue
12 Code. Any credit in excess of the tax liability is refundable.

13 Sec. 71. RETROACTIVE APPLICABILITY. This division of this
14 Act applies retroactively to January 1, 2011, for tax years
15 beginning on or after that date.

16 DIVISION IX

17 ALLOWABLE GROWTH

18 Sec. 72. Section 257.8, subsections 1 and 2, Code 2011, are
19 amended to read as follows:

20 1. *State percent of growth.* ~~The state percent of growth~~
21 ~~for the budget year beginning July 1, 2009, is four percent.~~
22 The state percent of growth for the budget year beginning July
23 1, 2010, is two percent. The state percent of growth for the
24 budget year beginning July 1, 2011, is two percent. The state
25 percent of growth for each subsequent budget year shall be
26 established by statute which shall be enacted within thirty
27 days of the submission in the year preceding the base year of
28 the governor's budget under section 8.21. ~~The~~ Except for the
29 budget year beginning July 1, 2011, the establishment of the
30 state percent of growth for a budget year shall be the only
31 subject matter of the bill which enacts the state percent of
32 growth for a budget year.

33 2. *Categorical state percent of growth.* The categorical
34 state percent of growth for the budget year beginning July 1,
35 2010, is two percent. The categorical state percent of growth

1 for the budget year beginning July 1, 2011, is two percent.
2 The categorical state percent of growth for each budget year
3 shall be established by statute which shall be enacted within
4 thirty days of the submission in the year preceding the base
5 year of the governor's budget under section 8.21. The Except
6 for the budget year beginning July 1, 2011, the establishment
7 of the categorical state percent of growth for a budget year
8 shall be the only subject matter of the bill which enacts the
9 categorical state percent of growth for a budget year. The
10 categorical state percent of growth may include state percents
11 of growth for the teacher salary supplement, the professional
12 development supplement, and the early intervention supplement.
13 Sec. 73. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This
14 division of this Act, being deemed of immediate importance,
15 takes effect upon enactment and is applicable for computing
16 state aid under the state school foundation program for the
17 school budget year beginning July 1, 2011.

18 EXPLANATION

19 This bill relates to state and local finances by providing
20 for funding of property tax credits and reimbursements, by
21 making, increasing, and reducing appropriations, providing
22 for salaries and compensation of state employees, providing
23 for matters relating to tax credits, providing for fees and
24 penalties, and providing for properly related matters. The
25 bill is organized by divisions.

26 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 2012-2013.
27 Code section 331.439, subsection 3, provides that county mental
28 health, mental retardation, and developmental disabilities
29 (MH/MR/DD) service expenditures for a fiscal year are limited
30 to a fixed budget amount and that the fixed amount is subject
31 to an allowed growth factor adjustment. The allowed growth
32 factor adjustment is to be set by statute for the fiscal year
33 which commences two years from the beginning date of the fiscal
34 year in progress at the time the statute is enacted. The
35 mental health and disability services commission is required

1 to make a recommendation of the adjustment amount to the
2 governor annually in November and the governor is required
3 to submit a recommendation for the amount to the general
4 assembly at the time the governor's budget is submitted. This
5 division provides that for the allowed growth adjustment factor
6 legislation for FY 2012-2013, the governor must submit a
7 recommendation on or before January 9, 2012, and the statute
8 providing the allowed growth factor adjustment is to be enacted
9 within 30 calendar days of the date the 2011 session of the
10 general assembly convenes.

11 STANDING APPROPRIATIONS AND RELATED MATTERS. For the budget
12 process applicable to FY 2012-2013, state agencies are required
13 to submit estimates and other expenditure information as called
14 for by the director of the department of management instead of
15 the information required under Code section 8.23.

16 This division limits standing appropriations for FY
17 2011-2012 made for the following purposes: performance of
18 duty by the executive council, casino wagering tax proceeds
19 allocated for department of cultural affairs operational
20 support grants and community cultural grants and for regional
21 tourism marketing; the center for congenital and inherited
22 disorders; primary and secondary child abuse prevention
23 programs; programs for at-risk children; payment for nonpublic
24 school transportation; reimbursement for the homestead property
25 tax credit and for the family farm and agricultural land tax
26 credits; and the enforcement of Code chapter 452D relating to
27 tobacco product manufacturers.

28 The standing appropriation in Code section 257.20 of an
29 amount necessary to pay instructional support state aid, as
30 determined under that Code provision, is replaced with a zero
31 appropriation for FY 2011-2012.

32 Code section 256.30, relating to educational expenses for
33 American Indian children, is amended. Current law requires the
34 department of education to provide moneys to pay the expense
35 of educating American Indian children residing in the Sac and

1 Fox Indian settlement on land held in trust by the secretary of
2 the interior of the United States in excess of federal moneys
3 paid to the tribal council for educating the American Indian
4 children when moneys are appropriated for that purpose. The
5 division makes a standing appropriation of \$100,000 from the
6 general fund of the state to pay the expenses.

7 Code section 257.35 is amended to reduce area education
8 agencies' budgets for fiscal year 2011-2012 by \$10 million.

9 SALARIES, COMPENSATION, AND RELATED MATTERS. This division
10 relates to the funding for the fiscal year beginning July 1,
11 2011, of salary increases for appointed nonelected officers,
12 employees subject to collective bargaining agreements, certain
13 noncontract employees, and board of regents employees.

14 The division prohibits bonus pay for employees of the
15 executive branch except for employees of the state board of
16 regents, the judicial branch, and the legislative branch,
17 unless the bonus pay is otherwise authorized by law, required
18 pursuant to an employment contract entered into before July
19 1, 2011, or required pursuant to a collective bargaining
20 agreement.

21 A supplemental authorization is provided to fund salaries
22 from trust, revolving, and special funds for which the general
23 assembly has established a budget.

24 The division appropriates all federal grants to and the
25 federal receipts of the agencies affected by this division
26 which are received and are expended for purposes of this
27 division.

28 The division requires sworn peace officers in the department
29 of public safety who are not covered by a collective bargaining
30 agreement to receive the same per diem meal allowance as
31 the sworn peace officers covered by a collective bargaining
32 agreement.

33 The salary model administrator is required to work in
34 conjunction with the department of management and the
35 legislative services agency to analyze, compare, and project

1 state salary and benefit information.

2 CORRECTIVE PROVISIONS. Code section 8.6(9A), as enacted
3 by 2011 Iowa Acts, House File 45, section 39, is amended to
4 correct references to the subchapters rather than the divisions
5 of new Code chapter 8G, as created in that Act.

6 Code section 8.57E(3)(a), as enacted by 2011 Iowa Acts,
7 Senate File 209, section 30, is amended to correctly refer to
8 the taxpayers trust fund as created in that Act.

9 Code section 8G.13, as enacted by 2011 Iowa Acts, House File
10 45, section 50, is amended to correct an internal reference to
11 the Act's provision requiring the availability on the internet
12 of a searchable database of all tax rates for each taxing
13 jurisdiction in the state.

14 Code section 16.193(3)(a), as amended by 2011 Iowa Acts,
15 Senate File 475, section 11, is amended to use the plural form
16 of the word "program" with regard to two Iowa jobs programs
17 referenced earlier in the sentence.

18 Code section 68A.401(4), as amended by 2011 Iowa Acts,
19 Senate File 475, section 17, is amended to correct a reference
20 to Code section 68A.201A relating to political committee
21 disclosure reports.

22 Code section 139A.19(3), as enacted by 2011 Iowa Acts, House
23 File 467, section 20, is amended to correct the punctuation
24 in the word "clinics" by adding an apostrophe in this disease
25 exposure notification provision.

26 Code section 175.3(1)(a), as amended by 2011 Iowa Acts,
27 Senate File 429, section 1, is amended to correct a reference
28 to the agricultural development authority in a provision
29 relating to the authority's status as a public instrumentality.

30 Code section 207.22(3)(b), as amended by 2011 Iowa Acts,
31 Senate File 475, section 47, is amended to strike a redundant
32 reference to "Title IV" of Pub. L. No. 95-87, in this rewritten
33 federal Act reference.

34 Code section 232.71D(3)(a)(ul), as enacted by 2011 Iowa
35 Acts, House File 562, section 3, is amended to insert the

1 correct preposition in the phrase "in the central registry"
2 when referring to the central registry for child abuse
3 information.

4 Code section 256.7(26)(a)(1), as enacted by 2011 Iowa Acts,
5 Senate File 453, section 1, is amended to substitute a helping
6 verb for a preposition in order to correct the grammar in this
7 provision relating to high school graduation requirements.

8 Code section 327B.5, relating to the penalty for violation
9 of motor carrier registration requirements, is amended by
10 correcting a reference to scheduled fines in Code section
11 805.8A, in order to conform with changes made by 2011 Iowa
12 Acts, Senate File 205, section 29.

13 Code section 483A.24A, as amended by 2011 Iowa Acts, Senate
14 File 194, section 10, is amended to strike a reference to
15 "both" definitions, since the amended Code section now only
16 refers to one definition in this provision relating to military
17 service members' refunds of certain fishing and hunting license
18 fees.

19 Code section 501.101(01), as enacted by 2011 Iowa Acts,
20 House File 348, section 7, is amended to correct the form of
21 the verb to match the singular subject of the sentence in this
22 provision relating to alternative voting methods for closed
23 cooperatives.

24 Code section 501A.703(5)(d), Code 2011, as amended by 2011
25 Iowa Acts, House File 348, section 19, is amended to delete an
26 unnecessary comma in this provision relating to alternative
27 voting methods for cooperative associations.

28 Code section 511.8(22)(i)(ul), as enacted by 2011 Iowa Acts,
29 Senate File 406, section 25, is amended to use the correct
30 preposition in a provision relating to life insurance company
31 legal reserves.

32 Code section 514J.109(3)(f), if enacted by 2011 Iowa Acts,
33 House File 597, section 9, is amended to correct a reference to
34 a health care coverage external review request in a provision
35 relating to the contents of such a request.

1 Code section 521F.4(1)(b), as enacted by 2011 Iowa Acts,
2 Senate File 406, section 44, is amended to correctly refer to
3 a single trend test calculation in a provision relating to a
4 health organization's risk-based capital report.

5 Code section 524.310(5)(b), as amended by 2011 Iowa Acts,
6 Senate File 475, section 120, is amended to strike a reference
7 to a Code section repealed on December 31, 2010, and to insert
8 the correct reference to the new Code provision in Code chapter
9 489 relating to limited liability companies.

10 Code section 717.3(5)(b), as enacted by 2011 Iowa
11 Acts, Senate File 478, section 6, is amended to strike
12 the conjunction "and" in a phrase where only a preposition
13 is required, in a provision relating to the sustenance of
14 livestock.

15 Code section 717.4(2), as enacted by 2011 Iowa Acts, Senate
16 File 478, section 7, is amended to add the preposition "for" in
17 a phrase relating to the expenses of providing sustenance to
18 livestock, to match similar phrases in Code section 717.5, as
19 amended in the same Act.

20 Code section 717.4A, as enacted by 2011 Iowa Acts, Senate
21 File 478, section 8, is amended to add the preposition "to"
22 in a phrase relating to the payment of proceeds from the
23 disposition of livestock to the livestock remediation fund.

24 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS. The division
25 appropriates moneys to the department of public health for FY
26 2011-2012 for a vision screening program.

27 The division appropriates moneys to the department of
28 agriculture and land stewardship for FY 2011-2012 for purposes
29 of a program for farmers with disabilities.

30 The division appropriates moneys to the department
31 of cultural affairs for FY 2010-2011 for purposes of the
32 battleship Iowa, BB-61. These provisions take effect upon
33 enactment.

34 An appropriation for FY 2010-2011 is provided to the Iowa
35 finance authority for a grant to a nonprofit organization

1 to be used for development of a group home for persons with
2 intellectual disabilities or brain injury.

3 The division authorizes not more than two additional
4 full-time equivalent positions (FTEs) for the investigations
5 division of the department of inspections and appeals for
6 FY 2011-2012 if Senate File 313 or successor legislation is
7 enacted providing for debt setoff or other recovery activities
8 for nonpayment of premiums pursuant to Code section 249A.3,
9 subsection 2, paragraph "a", subparagraph (1), (relating to a
10 special income eligibility group under the Medicaid program)
11 or pursuant to Code section 249J.8, subsection 1, (relating to
12 the expansion population eligibility group under the IowaCare
13 program). The additional FTEs are limited to the extent funded
14 through the department of human services.

15 The division provides a method for recalculating cost
16 per pupil amounts for an area education agency and a school
17 district when a school district participating on a contractual
18 basis in a special education instructional program operated
19 by an area education agency terminates the contract. The
20 provision takes effect upon enactment.

21 The division establishes a task force on the prevention of
22 sexual abuse of children in Iowa. The task force shall develop
23 a model policy addressing sexual abuse of children. The task
24 force shall make recommendations for reducing child sexual
25 abuse in Iowa and in making those recommendations shall gather
26 information concerning child sexual abuse throughout the state;
27 receive reports and testimony from individuals, state and local
28 agencies, community-based organizations, and other public and
29 private organizations; create goals for state policy that would
30 prevent child sexual abuse; and submit a final report with its
31 recommendations to the governor and the general assembly on
32 or before January 16, 2012. The provisions take effect upon
33 enactment.

34 The division provides that a railroad company which alters
35 facilities pursuant to a written agreement with a political

1 subdivision with a population or more than 67,800, but less
2 than 67,900, according to the 2010 certified federal census,
3 to construct a flood mitigation project, shall receive
4 certain limitations on liability for any damages caused by the
5 alteration due to a flood.

6 The division makes inapplicable the limitation on
7 expenditures made for office supplies, purchases of equipment,
8 office equipment, and equipment noninventory, printing and
9 binding, and marketing implemented pursuant to 2011 Iowa
10 Acts, House File 45, for FY 2010-2011 to a department or
11 agency receiving a supplemental appropriation for FY 2010-2011
12 pursuant to 2011 Iowa Acts, Senate File 209. This provision
13 takes effect upon enactment and is retroactively applicable to
14 the effective date of House File 45 of March 7, 2011.

15 The division provides that any computer software developed
16 by a county for purposes of election activities is the property
17 of the county unless the county sells the rights to the
18 software. The division prohibits the secretary of state from
19 purchasing from a political subdivision any rights to computer
20 software developed by the political subdivision for purposes
21 of election activities.

22 The division provides that certain sections of 2011 Iowa
23 Acts, Senate File 205, take effect upon enactment of this bill,
24 rather than on July 1, 2011. The affected provisions require
25 the department of transportation to waive the certificate
26 of title fee and surcharge when ownership of a vehicle is
27 transferred from a decedent to the surviving spouse who is
28 entitled to ownership of the vehicle under the laws of descent
29 or the terms of the decedent's will. The affected provisions
30 also provide that, for purposes of calculating the annual
31 registration fee of a such a motor vehicle, the term "owner"
32 includes a surviving spouse.

33 The division expands the manner in which grant moneys
34 received from the child development coordinating council for
35 programs for at-risk children may be used.

1 The division provides that the state historic preservation
2 officer shall only recommend that a municipal utility
3 constructing electric distribution and transmission facilities
4 for which it is receiving federal funding conduct an
5 archeological site survey of its proposed route when, based
6 upon a review of existing information on historic properties
7 within the area of potential effects of the construction, the
8 state historic preservation officer has determined that a
9 historic property is likely to exist within the proposed route.
10 This provision takes effect upon enactment.

11 The amendment to Code section 321J.2, subsection 4,
12 paragraph b, makes a correction to a criminal penalty provision
13 relating to the court's assessment of a mandatory minimum fine
14 in a second offense operating-while-intoxicated case to reflect
15 previous law in effect through November 30, 2010. Senate File
16 431 (2010 Iowa Acts) reorganized criminal penalty, sentencing,
17 and related license revocation provisions in Code section
18 321J.2.

19 The division adds one member selected by the agribusiness
20 association of Iowa to the watershed planning advisory council.

21 The division amends 2011 Iowa Acts, Senate File 396, section
22 1, by eliminating from the definition of the term "construction
23 contract", as it relates to certain indemnity agreements for
24 construction contracts, agreements related to the construction,
25 alteration, improvement, development, demolition, excavation,
26 rehabilitation, maintenance, or repair of highways, roads,
27 streets, bridges, tunnels, transportation facilities, and
28 airports.

29 The division extends the repeal date from July 1, 2011,
30 to July 1, 2012, for certain notice requirements related to
31 acceleration of mortgage indebtedness. The provision takes
32 effect upon enactment.

33 REORGANIZATION. This division requires each department
34 to separately track the budget and actual expenditures
35 for contract services and for employee training for each

1 appropriation line item.

2 The division requires the department of administrative
3 services to facilitate efficient and cost-effective purchasing
4 for state government by conducting certain activities.

5 The division requires the department of administrative
6 services to consult with the legislative and judicial branches
7 and explore opportunities for providing information technology
8 services to those branches.

9 The division encourages state agencies to utilize electronic
10 mail or similar electronic means for license or permit
11 notification purposes.

12 The division requires state agencies to budget for and
13 plan to conduct lean projects. The division encourages state
14 agencies to share resources and services.

15 The division requires each joint appropriations subcommittee
16 of the general assembly to annually examine and review the fees
17 charged by state agencies.

18 The division requires the department of administrative
19 services, in consultation with the department of management,
20 to examine the state personnel hiring process with the goal of
21 simplifying and reducing the steps needed for state agencies
22 to hire personnel.

23 The division includes requirements for compliance checks of
24 licensed retail tobacco outlets.

25 The division requires the department of administrative
26 services to examine the possibility of merging all state
27 payroll systems into the centralized payroll system.

28 The division requires the department of administrative
29 services to implement to the greatest extent possible a payroll
30 system paying state employees on a semimonthly basis.

31 MEDICATION THERAPY MANAGEMENT. This division codifies the
32 pilot program for medication therapy management implemented
33 on July 1, 2010, for eligible state employees, making the
34 program an ongoing program and directing the department of
35 administrative services to amend the existing contract to

1 continue the program beyond the original pilot program repeal
2 date of December 31, 2011. The division appropriates funds to
3 the department of administrative services for the purpose of
4 the program. The division takes effect upon enactment.

5 EARNED INCOME TAX CREDIT. This division increases the
6 amount of the state earned income tax credit. Currently, the
7 credit is equal to 7 percent of the amount of a taxpayer's
8 federal earned income tax credit. The division increases the
9 amount of the credit to 10 percent.

10 The division applies retroactively to January 1, 2011, for
11 tax years beginning on or after that date.

12 ALLOWABLE GROWTH. This division establishes a state percent
13 growth of 2 percent for purposes of the state school foundation
14 program for the school budget year beginning July 1, 2011. The
15 division establishes a categorical state percent of growth
16 of 2 percent for purposes of the state school foundation
17 program for the school budget year beginning July 1, 2011. The
18 categorical state percent of growth includes the teacher salary
19 supplement, the professional development supplement, and the
20 early intervention supplement. The division takes effect upon
21 enactment and is applicable for computing state aid under the
22 state school foundation program for the school budget year
23 beginning July 1, 2011.